

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

**PRODUCTS & VENTURES INTERNATIONAL,**  
Plaintiff,  
  
v.  
  
**AXUS STATIONARY (SHANGHAI) LTD., ET**  
**AL.,**  
  
Defendants.

Case No. 16-cv-00669-YGR

**ORDER STRIKING CERTAIN FILINGS;  
ORDER TO SHOW CAUSE RE: MOTION TO  
STRIKE; SETTING COMPLIANCE HEARING**

Re: Dkt. No. 119, 125, 128, 129

On November 7, 2016, plaintiff filed its opposition to defendants' motion to dismiss. (Dkt. No. 112.) In connection with plaintiff's opposition, it also filed Objections to Evidence Cited by Defendants in Support of Motion to Dismiss Amended Complaint. (Dkt. No. 119.) On November 21, 2016, defendants responded to such objections. (Dkt. No. 125.) Such filings are in violation of the Civil Local Rules of the Northern District of California. Local Rule 7-3 provides that any "evidentiary and procedural objections to the motion must be contained *within* the brief or memorandum." Civil L.R. 7-3(a), (c) (emphasis supplied). Accordingly, the Court **STRIKES** Docket Numbers 119 and 125 from the record.

Similarly, on November 21, 2016, defendants filed a purported Motion to Strike Declarations of Ronghua Liao and Julian Russell pursuant to Federal Rule of Civil Procedure 44.1. (Dkt. No. 128.) However, the filing appears to be nothing more than an attempt to circumvent Local Rule 7-3 referenced above, which does not authorize said "motion to strike." Accordingly, defendants are **ORDERED TO SHOW CAUSE** why such motion should not be summarily denied without prejudice. The Court **SETS** a hearing on this Order to Show Cause for **Friday, December 9, 2016** in the Federal Building, 1301 Clay Street, Oakland, California, Courtroom 1 at **9:01 a.m.** By **December 2, 2016**, defendants must file a written response to this Order to Show Cause. If the Court is satisfied with defendants' submission, it may vacate the

1 hearing. Failure to file a written response will constitute an admission that the same should be  
2 denied.

3 Given the several deficiencies in the parties' filings, the Court will entertain a request from  
4 the parties to withdraw the filings on the pending motion to dismiss (Dkt. No. 106), to be refiled in  
5 a procedurally proper manner according to a mutually agreeable briefing schedule. The Court  
6 **SETS** a compliance hearing for **Friday, December 9, 2016 at 9:01 a.m.** regarding the parties'  
7 intent to withdraw such filings. By **December 2, 2016**, the parties must file either (i) a stipulation  
8 withdrawing the pending motion and suggesting an amended briefing schedule for defendants'  
9 motion to dismiss or (ii) a JOINT STATEMENT indicating that the parties will proceed on the current  
10 record. If compliance is complete, the parties need not appear and the Court may vacate the  
11 compliance hearing.

12 The Court notes this is the parties' first violation. Further violations of this rule will result  
13 in monetary sanctions.

14 The Court **DENIES** the parties' stipulation requesting that the hearing on defendants'  
15 motion to dismiss and motion to strike be continued. (Dkt. No. 129.)

16 This Order terminates Docket Number 129.

17 **IT IS SO ORDERED.**

18 Dated: November 29, 2016

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20 **YVONNE GONZALEZ ROGERS**  
21 **UNITED STATES DISTRICT COURT JUDGE**